

SENATE BILL 512

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2004 Regular Session
(4lr2211)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by ~~Senator Jimeno~~ Senators Jimeno, Brochin, Forehand,
Garagiola, Giannetti, Green, Haines, Hughes, Jacobs, and Mooney

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Sexual Solicitation of a Minor**

3 FOR the purpose of prohibiting a person, with intent to commit certain sexual
4 offenses, from knowingly soliciting a minor, or ~~an individual the person believes~~
5 ~~to be~~ a law enforcement officer posing as a minor, to engage in activities that
6 would be unlawful for the person to engage in under certain provisions;
7 providing that a certain violation is considered to be committed in the State for
8 purposes of determining jurisdiction under certain circumstances; establishing a
9 certain penalty; providing that a certain person may intercept a wire, oral, or
10 electronic communication in order to provide evidence of the commission of a
11 certain sexual solicitation of a minor; providing that certain persons may apply
12 to a judge for, and the judge may grant, an order authorizing the interception of
13 wire, oral, or electronic communications in order to provide evidence of the
14 commission of a certain sexual solicitation of a minor; defining a certain term;
15 and generally relating to the sexual solicitation of a minor.

16 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings
2 Section 10-402(c)(2) and 10-406
3 Annotated Code of Maryland
4 (2002 Replacement Volume and 2003 Supplement)

5 BY adding to
6 Article - Criminal Law
7 Section 3-324
8 Annotated Code of Maryland
9 (2002 Volume and 2003 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Courts and Judicial Proceedings**

13 10-402.

14 (c) (2) (i) This paragraph applies to an interception in which:

15 1. The investigative or law enforcement officer or other
16 person is a party to the communication; or

17 2. One of the parties to the communication has given prior
18 consent to the interception.

19 (ii) It is lawful under this subtitle for an investigative or law
20 enforcement officer acting in a criminal investigation or any other person acting at
21 the prior direction and under the supervision of an investigative or law enforcement
22 officer to intercept a wire, oral, or electronic communication in order to provide
23 evidence:

24 1. Of the commission of:

25 A. Murder;

26 B. Kidnapping;

27 C. Rape;

28 D. A sexual offense in the first or second degree;

29 E. Child abuse;

30 F. Child pornography under § 11-207 or § 11-208 of the
31 Criminal Law Article;

32 G. Gambling;

- 1 H. Robbery under § 3-402 or § 3-403 of the Criminal Law
2 Article;
- 3 I. A felony under Title 6, Subtitle 1 of the Criminal Law
4 Article;
- 5 J. Bribery;
- 6 K. Extortion;
- 7 L. Dealing in a controlled dangerous substance, including a
8 violation of § 5-617 or § 5-619 of the Criminal Law Article;
- 9 M. A fraudulent insurance act, as defined in Title 27, Subtitle
10 4 of the Insurance Article;
- 11 N. An offense relating to destructive devices under § 4-503 of
12 the Criminal Law Article; [or]
- 13 O. SEXUAL SOLICITATION OF A MINOR UNDER § 3-324 OF THE
14 CRIMINAL LAW ARTICLE; OR
- 15 [O.] P. A conspiracy or solicitation to commit an offense
16 listed in items A through [N] O of this item; or
- 17 2. If:
- 18 A. A person has created a barricade situation; and
- 19 B. Probable cause exists for the investigative or law
20 enforcement officer to believe a hostage or hostages may be involved.
- 21 10-406.
- 22 (a) The Attorney General, State Prosecutor, or any State's Attorney may apply
23 to a judge of competent jurisdiction, and the judge, in accordance with the provisions
24 of § 10-408 of this subtitle, may grant an order authorizing the interception of wire,
25 oral, or electronic communications by investigative or law enforcement officers when
26 the interception may provide or has provided evidence of the commission of:
- 27 (1) Murder;
- 28 (2) Kidnapping;
- 29 (3) Child pornography under § 11-207 or § 11-208 of the Criminal Law
30 Article;
- 31 (4) Gambling;
- 32 (5) Robbery under § 3-402 or § 3-403 of the Criminal Law Article;

1 (1) ORIGINATED IN THE STATE; OR

2 (2) IS RECEIVED IN THE STATE.

3 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON
4 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
5 NOT EXCEEDING \$25,000 OR BOTH.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2004.